

DJORTH.140C1

CUSTOMER NO.: 20995

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

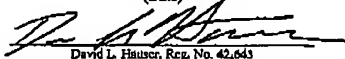
Appl. No. : 10/669,136
 Applicant : Nelson et al.
 Filed : September 23, 2003
 TC/A.U. : 3764
 Examiner : Q. Thanh
 Docket No. : DJORTH.140C1

**CERTIFICATE OF FAX TRANSMISSION
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December 2, 2004

(Date)



David L. Hansen, Reg. No. 42,643

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Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, dj Orthopedics, LLC ("Assignee").

Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of the entire right, title and interest in the above-identified application and co-owned Application No. 09/945,115, now U.S. Patent No. 6,623,439, by virtue of assignments recorded at Reel No. 012913, Frame No. 0350 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Disclaimer by Assignee

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,623,439, and hereby agrees that any patent so granted on the

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above-identified application shall be enforceable only for and during such period that the above-identified application and U.S. Patent No. 6,623,439 are co-owned. This agreement extends to any patent granted on the above-identified application and shall be binding on its successors or assigns.

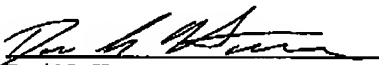
Assignee does not disclaim any terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term of U.S. Patent No. 6,623,439 in the event that U.S. Patent No. 6,623,439 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is accompanied by the \$110 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/2/04

By: 
 David L. Hauser
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